REMARKS

By the present Response and Amendment, new Claims 21-24 are presented. No new matter is introduced.

Claims 1, 2, 4, 6-9, 11, 13, 14, and 20 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over WO 94/18908 ("Brady"). Claims 5 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 94/18908, and further in view of U.S. Patent No. 4,731,079. Claims 3 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 94/18908, and further in view of U.S. Patent No. 4,725,276. Applicant respectfully traverses these rejections and requests reconsideration in view of the following remarks.

The Examiner takes the position that lines 14-17 of page 14 of the Brady reference disclose "portions of the peripheral zone having thickness equal to the periphery of the optic", and that this disclosure anticipates Applicant's claimed one or more "flared portions" along the peripheral edge of the lens body. But the Examiner's interpretation of this one sentence of the Brady reference is taken out of context and in isolation, and is inconsistent with the teaching of the Brady reference in its entirety. Indeed, taken in context with the surrounding disclosure of the Brady reference, this single sentence would be understood by a person of ordinary skill in the art to have a meaning altogether different from that proposed by the Examiner, and which clearly would not anticipate or render the presently claimed invention obvious.

The Brady reference consistently teaches that the principal purpose of its relatively thick "peripheral zone" is to provide structural support to the relatively thinner optic:

> The relatively thick peripheral zone of the present IOL's inhibits, to some extent, such buckling or deforming. The peripheral zone preferably forms, in effect, a frame which assists in strengthening the optic against unwanted deformation after implantation.

Brady, page 8, lines 6-11. See also, Brady, page 13, lines 10-12. The Brady reference also consistently describes its "peripheral zone" as having a single thickness, referring to it as "the thickness T2 of the peripheral zone 27". Brady, page 13, lines 28-30, Fig. 2, and Fig. 3A. The "bosses" or "buttresses 33", into which the haptics of the Brady lens are secured, are of this same thickness "T2". See Brady, Fig. 2. There is no disclosure, or even any suggestion, that the thickness of Brady's "peripheral zone" can vary at different points around the lens' edge to form "flared portions" as presently claimed.

The sentence at page 14, lines 14-17, of the Brady reference is the only portion of the Brady reference cited by the Examiner as supporting the present grounds of rejection. However, this sentence must be read in context with the surrounding disclosure of the Brady reference, as it would be understood by one of ordinary skill in the art. The paragraph this sentence is contained in is directed to an explanation of different embodiments of Brady's lens wherein either or both of the anterior and posterior faces of the optical zone "terminate a distance away from" the top or bottom surface of the peripheral zone. Brady, page 14, lines 4-14. This "distance" is described and shown by reference to the "inwardly facing wall 30" extending between the anterior face 19 of the optical zone and the top surface 34 of the peripheral zone. Brady, page 14, lines 6-7; and Figs. 3 and 3A. The intersection of Brady's optical zone and its peripheral zone is identified as "periphery 26". Brady, page 14, lines 18-20, and Figs. 3 and 3A.

In view of the fact that the paragraph spanning lines 4-22 of page 14 of the Brady reference is directed entirely to the alternate forms that the intersection between the optical zone and the peripheral zone might take, one skilled in the art would understand the single sentence of this paragraph cited by the Examiner (lines 14-17) to also refer to the intersection between the optical zone and the peripheral zone. As such, one skilled in the art would understand the statement that "a finite portion of the peripheral zone may have a thickness equal to the thickness of the optical zone 25 at its periphery", refers to an alternate embodiment having a smooth transition of continuously increasing thickness between the thinner optical zone and the thicker peripheral zone, rather than a stepped

transition as shown in Fig. 3A of Brady. In other words, one skilled in the art would interpret the "finite portion" referred to in this sentence to be a portion of the peripheral zone extending in the radial direction, outwardly from the periphery 26; and not a portion of the peripheral zone having a different thickness than a circumferentially adjacent portion.

Moreover, if this "finite portion" did refer to a variation in the thickness of the peripheral zone about the circumference of the lens, Brady's peripheral zone would no longer be able to serve its stated purpose of providing structural support to the thinner optic portion. Brady, page 8, lines 6-11. See also, Brady, page 13, lines 10-12. Indeed, if a circumferential portion extending through the entire radial depth of Brady's peripheral zone were to have a reduced thickness equal to the thickness of the optical zone, this portion would likely create a weak point or stress concentration, where the lens would be more prone to buckling and distortion. Such a result would run entirely counter to the stated purpose of Brady's peripheral zone, and one of ordinary skill in the art would certainly not interpret the reference in such a manner.

It is also of note that there is no disclosure or suggestion whatsoever in the Brady reference that the "finite portion" referred to by the Examiner might be located at the point of attachment of the haptic to the lens body. Previous Claims 2, 9-14, 20, and new Claims 21-24, all include limitations relating the point of attachment of the haptic to the location of the "flared portions" of the lens body. Brady teaches "buttresses 33" that project radially from the peripheral zone, rather than flared portions of increased thickness as presently claimed, for attachment of the haptics. Brady, page 15, lines 9-11. Accordingly, even if one skilled in the art were to construe the Brady reference as the Examiner proposes, that construction still would not anticipate Claims 2, 9-14, 20, and 21-24, or render these claims obvious.

New Claim 24 further clarifies that the claimed lens has a peripheral edge thickness that is substantially thinner than the central thickness "about substantially the entire peripheral edge of the lens body", and that each flared portion has a thickness greater than

the peripheral edge thickness "only in the immediate vicinity of the point of attachment of a haptic". Even if Brady's reference to a "finite portion of the peripheral zone [having] a thickness equal to the thickness of the optical zone 25 at its periphery" is construed as the Examiner suggests to imply that one or more finite segments along the circumference of the peripheral zone were thinner than the remainder of the peripheral zone, such a construction would be the opposite of what is presently claimed. In effect, the Examiner's asserted construction of the Brady reference would create a thick peripheral edge, with localized sections of reduced thickness. By contrast, Claim 24 makes clear that the peripheral edge is thin, with localized sections of increased thickness.

Serial No.: 09/915,773
Attorney Docket No. 2C03.1-011

CONCLUSION

In view of the above, it is believed that all grounds of rejection are overcome and that the application has now been placed in full condition for allowance. Accordingly, Applicant earnestly solicits early and favorable action. Should there be any further questions or reservations, the Examiner is urged to telephone Applicant's undersigned attorney at (770) 984-2300.

Respectfully submitted,

Bradley K. Groff
Reg. No. 39,695

GARDNER GROFF, P.C.
Paper Mill Village, Building 23
600 Village Trace, Suite 300
Marietta, GA 30067
Tel: 770/984-2300
Fax: 770/984-0098